

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 96.11, the Director of the Department of Workforce Development hereby gives Notice of Intended Action to amend Chapter 22, “Employer Records and Reports,” Chapter 24, “Claims and Benefits,” and Chapter 25, “Benefit Payment Control,” Iowa Administrative Code.

These proposed amendments update, clarify and simplify the procedures by which claimants and employers interact with Iowa Workforce Development. The amendments also bring the rules up to date by reflecting changes in technology and efficiencies developed within the agency since the affected rules were enacted. The agency needs to have administrative rules that address these changes.

Any interested person may make written or oral suggestions or comments on the proposed amendments on or before June 27, 2017, directed to David J. Steen, Attorney, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to david.steen@iwd.iowa.gov.

These amendments do not have any fiscal impact on the State of Iowa.

Waiver provisions do not apply to this rule making.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 96.

The following amendments are proposed.

ITEM 1. Amend rule 871—22.2(96) as follows:

871—22.2(96) Reports. Each employing unit shall make such reports at such times as the department may require; and shall comply with the instructions ~~printed upon any report form~~ issued by the department pertaining to the preparation and return of such report.

This rule is intended to implement Iowa Code section 96.11(1).

ITEM 2. Amend subrule 22.3(1) as follows:

22.3(1) Each employer shall, by the due date, ~~file a 65-5300, Employer’s Contribution & Payroll Report,~~ electronically submit contribution and payroll for each quarter listing wages paid with respect to all the employer’s business maintained within this state computed in accordance with the Iowa Code and these rules.

ITEM 3. Rescind and reserve subrule **22.3(2)**.

ITEM 4. Amend subparagraph **24.1(25)“b”(19)** as follows:

(19) ~~Subsequent~~ Second ~~benefit year claim.~~ A new claim with an effective date for a ~~subsequent~~ second benefit year which ~~immediately follows~~ is filed within 180 calendar days following the last week of the individual’s previous benefit year. The individual is notified ~~by mail of the transition between the benefit years and is requested to provide the department with the information which has changed from the previous benefit year’s claim for benefits~~ expiration of the previous benefit year.

ITEM 5. Amend paragraph **24.2(1)“b”** as follows:

b. ~~The procedure for filing an initial claim. An individual, following a separation from work, shall report in person at the nearest workforce development center with the individual’s social security number, and the individual shall register for work and file a claim for benefits on the Form 60-0330, Application for Job Placement Assistance and/or Job Insurance, prescribed by the department and shall~~

~~provide, in addition to other requested information, the following information~~ When filing an initial claim for benefits, an individual must provide the following information to the department:

- (1) The name and complete mailing address of such individual's last employing unit or employer;
- (2) The location of the last job;
- (3) Last day of work;
- (4) The reason for separation from work;
- (5) That such individual is unemployed;
- (6) That the individual registers for work;
- (7) The individual's last job occupation;
- (8) Number, name and relationship of any dependents claimed. As used in this subparagraph, "dependent" is defined as: spouse, son or daughter of the claimant, or a dependent of either; stepson or stepdaughter; foster child or child for whom claimant is a legal guardian; brother, sister, stepbrother, stepsister; father or mother of claimant, stepfather or stepmother of the claimant; son or daughter of a brother or sister of the claimant (nephew or niece); brother or sister of the father or mother of the claimant (uncle or aunt); son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the claimant; an individual who lived in the claimant's home as a member of the household for the whole year; cousin.

A "spouse" is defined as an individual who does not earn more than \$120 in gross wages in one week. The reference week for this monetary determination shall be the gross wages earned by the spouse in the calendar week immediately preceding the effective date of the claim.

A "dependent" means an individual who has been or could have been claimed for the preceding tax year on the claimant's income tax return or will be claimed for the current income tax year. The same dependent shall not be claimed on two separate monetarily eligible concurrent established benefit years. An individual cannot claim a spouse as a dependent if the spouse has listed the claimant as a dependent on a current claim.

~~(9) The option of filing for continued benefits by using the voice response continued claim system or by other means designated by the department. The individual's social security number and alien registration number, if applicable.~~

(10) Such other information as required by the ~~form~~ department.

ITEM 6. Amend paragraph **24.7(3)"b"** as follows:

b. Did not ~~work in and~~ receive wages from insured work for:

- (1) Three or more calendar quarters in the base period, or
- (2) Two calendar quarters and lacked qualifying wages from insured work during another quarter of the base period.

ITEM 7. Amend rule 871—24.27(96) as follows:

871—24.27(96) Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 ~~or 60-0186~~, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1) "g."

ITEM 8. Amend paragraph **24.33(2)“n”** as follows:

n. The employer will receive separate notices of claim filing for each claimant and shall make any protest in the appropriate section on ~~the reverse side of~~ Form 65-5317, Notice of Claim. The employer will receive a copy of the decision which may be appealed.

ITEM 9. Amend paragraph **25.7(6)“a”** as follows:

a. The department shall always demand immediate repayment of the overpayment as its first option for those claimants not in benefit claiming status at the time of the initial overpayment determination. If not paid immediately, the overpayment amount will be deducted from future benefits. Recovery of overpayments due to misrepresentation or fraud may also include the filing of a notice of lien or other civil action. Upon finalization of the determination of overpayment by reason of a claimant's fault or fraud, interest shall accrue at a rate of 1/30th of 1 percent per day until the overpayment is paid in full.

ITEM 10. Amend subrule 25.12(3) as follows:

25.12(3) An employer may choose to participate in the automated crossmatch procedure by following the ~~magnetic media~~ electronic submission guidelines.

ITEM 11. Adopt the following new subrule 25.12(4):

25.12(4) An employer that fails to respond to a request for wage information pertaining to specific claimant(s) as such request pertains to benefit payments will be charged a fee of \$25 per claimant.